

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAMIAN DAMEK APODACA,

Plaintiff,

v.

No. CV 13-235 JH/LAM

**CURRY COUNTY DETENTION
CENTER, et al.,**

Defendants.

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b),
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiffs' motion for leave to proceed pursuant to 28 U.S.C. § 1915. [*Doc. 2*]. The filing fee for this civil rights complaint is \$350.00. Plaintiff is required to pay the full amount of the filing fee pursuant to § 1915(b)(1). Based on the information about Plaintiff's financial status, the Court finds that Plaintiff owes an initial partial payment of **\$5.35** and, thereafter, shall make monthly payments of twenty per cent (20%) of the preceding month's income credited to Plaintiff's account, until the filing fees are paid, pursuant to § 1915(b)(1) and (2). The Court will not review the merits of the civil rights complaint until the initial partial payment is paid or excused. If Plaintiff fails to make a payment by the designated deadline or show cause why such payments should be excused, the civil rights complaint **may be dismissed without prejudice without further notice**.

IT IS THEREFORE ORDERED that Plaintiff's motion for leave to proceed pursuant to 28 U.S.C. § 1915 [*Doc. 2*] is **GRANTED**;

IT IS FURTHER ORDERED that, **within thirty (30) days from entry of this order**, Plaintiff will either: (1) send to the Clerk an initial partial payment of **\$5.35**, or (2) show cause why the payment should be excused;

IT IS FURTHER ORDERED that the Clerk of the Court is directed to provide Plaintiff with two copies of this order, and that Plaintiff is directed to make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment;

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of twenty per cent (20%) of the preceding month's income credited to Plaintiff's account, until the filing fees are paid, or show cause why the designated payments should be excused. The Clerk of the Court is directed to provide Plaintiff with two copies of the post-filing financial certificate, and Plaintiff must make the necessary arrangements to have the monthly payments identified by the civil action number on this order.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE